

Congressman Paul A. Gosar

Statement for the Record

House Rules Committee Hearing: Amendments to the FY14 National Defense Authorization Act
Wednesday, June 12, 2013

Chairman Sessions, Ranking Member Slaughter, and members of the committee—I thank you for allowing me to testify before you all on my amendment, cited as Gosar Amendment #50 by the Rules Committee. The amendment addresses a serious issue facing a group of my constituents.

By way of background, the *Radiation Exposure Compensation Act of 1990*, or RECA, established a trust fund to provide compassionate lump-sum payments to individuals—commonly referred to as “down winders”—who have contracted certain cancers and other serious diseases that are presumed to be the result of their exposure to ionizing radiation from above-ground nuclear weapons testing or from various activities in connection with uranium mining. Though the testing in question was performed in Nevada, radioactive elements affected people in Utah and Arizona as well.

The original language in the 1990 RECA used a broad definition of the affected areas in Arizona. That language reads “that part of Arizona that is north of the Grand Canyon and west of the Colorado River”. That definition therefore included northern Mohave County, Arizona in its definition, as it is the county in Arizona that is closest to Nevada and therefore closest to the testing ranges.

But when RECA was reauthorized and amended in 2000, the purpose was to expand eligibility. With respect to Arizonans’ eligibility, the definition of the affected areas changed to reflect specific counties. Of the five Arizona counties listed in the 2000 Act, Mohave County is not among them.

Then in 2002, technical corrections were made to the 2000 Act to reflect part of the 1990 language concerning Arizona. So, after the 2002 corrections, the law listed the 5 counties and included the language “and that part of Arizona that is north of the Grand Canyon”.

Again, Mohave County is the closest of the Arizona counties to the Nevada border and therefore to the nuclear testing ranges, but it was not listed among the others. The Arizona counties directly east and southeast from Mohave County are both covered in their entirety.

To correct this omission, Congressman Trent Franks introduced legislation in the 111th and 112th Congresses to include all of Mohave County as an affected area for RECA purposes. Because I am now the representative of Mohave County, I have taken up the cause in an effort to continue those efforts to right this wrong.

This omission seems to be a clerical error—which would be consistent with the fact that the 2000 reauthorization contained composition errors that had to be fixed in the National Defense Authorization Act for Fiscal Year 2002. It is this same vehicle—the NDAA—by which I am seeking to make these corrections.

The trust fund associated with these claims has been active since 1992, and that fund will sunset in 2022, by statute. My goal is to ensure that the affected residents in Mohave County, Arizona have their fair shot at justified compensation before the trust fund is closed. It is important to note that each Mohave County claimant would be subject to the same burden of proof as all other claimants from different areas.

For Congress to deny the rest of Mohave County, Arizona the right to even file a claim is both inconsistent and careless, and violates both the apology and the promise made to all down winders in the original 1990 Act, which read, respectively:

“The Congress apologizes on behalf of the Nation to the individuals...and their families for the hardships they have endured.

“It is the purpose of this Act to establish a procedure to make partial restitution to the individuals...for the burdens they have borne for the Nation as a whole.”

Indeed, the down winders in Mohave County, Arizona have borne a burden for years now. Congress must keep its promise and enact policies to lend credence to its formal apology.

It is my hope that the Rules Committee will find this non-partisan language in order so that I may take to the floor and make my case before the duly elected representatives of the House. I will do all I can to ensure that my constituents affected by the government’s nuclear weapons tests are eligible for reasonable and justified compensation. Again, I thank the Committee for providing this opportunity to be heard.